

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SEP 16 2013
DEPUTY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

Jerry McCall

Plaintiff,

v.

CACH, LLC

Defendant/

§
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§
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§
§

Cause No 4:13cv531

Judge Schell

TRIAL BY JURY DEMANDED

ORIGINAL COMPLAINT

Plaintiff, Jerry McCall, brings this action against Defendant for violations of the Federal Consumer Reporting Act, 15 U.S.C. § 1681p, ("FCRA").

PRELIMINARY STATEMENT

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendant for violations of the Fair Consumer reporting Act (FCRA) 15 U.S.C. § 1681p.
2. Upon belief and information, Plaintiff contends that many of these practices are widespread for the Defendant. Plaintiff intends to propound discovery to Defendant identifying these other individuals who have suffered similar violations.

JURISDICTION AND VENUE

3. Jurisdiction of this Court arises under 15 U.S.C. §1681p and 28 U.S.C. § 1331.
4. Venue is proper pursuant to 28 U.S.C. §1391b. Venue in this District is proper in that the Plaintiff resides here, the Defendant transacts business here, and the conduct complained of occurred here.

PARTIES

5. Plaintiff, Jerry McCall, is a natural person and is a resident of the State of Texas.

6. Upon information and belief Defendant, CACH LLC (“CACH”) is a Colorado Limited Liability Company with offices located at 4340 South Monaco, 2nd floor, Denver, Colorado 80237.

FACTUAL ALLEGATIONS

7. On April 1, 2013, Plaintiff obtained his Transunion consumer report and noticed the Defendant retrieved a copy of the Plaintiff’s consumer report on February 28, 2013.
8. The FCRA, 15 U.S.C. § 1681b, defines the permissible purposes for which a person may obtain a consumer report.
9. The accompanying “Original Affidavit in Support of Original Complaint” contains additional facts involving this cause.
10. The Defendant obtained the Plaintiff’s consumer report with no permissible purpose in violation of the Fair Consumer Reporting Act, 15 U.S.C. § 1681b.

COUNT I VIOLATION OF THE FAIR CONSUMER REPORTING ACT, 15 U.S.C. §1681n, WILLFUL NON-COMPLIANCE

11. Plaintiff alleges and incorporates the information in paragraphs 1 through 10.
12. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. § 1681a(c).
13. Experian is a consumer reporting agency within the meaning of the FCRA, 15 U.S.C. § 1681a(f).
14. Consumer report is defined by FCRA, 15 U.S.C. § 1681a(d).
15. Such permissible purposes as defined by 15 U.S.C. § 1681b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.

16. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from the Defendant.
17. At no time did Plaintiff give his consent for the Defendant to acquire his consumer report from any consumer reporting agency.
18. The actions of the Defendant obtaining the consumer report of the Plaintiff with no permissible purpose or Plaintiff's consent was a willful violation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Plaintiff's right to privacy.
19. At no time have the Defendant ever indicated what justification they may have had for obtaining Plaintiff's consumer report. The Defendant had a duty to properly ascertain if there was any **legitimate** permissible purpose before obtaining Plaintiff's consumer report and Defendant breached said duty by failing to do so. There was no account that the Defendant had any right to collect to have had permissible purpose to obtain Plaintiff's consumer report and therefore Plaintiff is entitled to damages.

WHEREFORE, Plaintiff demands judgment for damages and relief against CACH as follows:

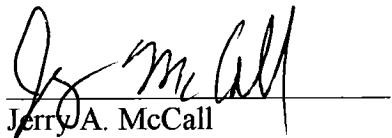
- a) Awarding Plaintiff statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1681n.
- b) Awarding Plaintiff punitive damages pursuant to 15 U.S.C. § 1681n.
- c) Awarding Plaintiff attorney's fees and costs pursuant to 15 U.S.C. § 1681n.
- d) Awarding such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: September 16, 2013

Respectfully Submitted,



Jerry A. McCall
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McKinney, Texas 75071
469-834-6295